

DRAFT/16 February 1972

MEMORANDUM FOR: Executive Director-Comptroller

SUBJECT : Declassification

1. This memorandum sets forth recommendations for your approval; such recommendations are set forth in paragraph 8.
2. E.O. 10501, as amended, prescribes the following policies and procedures for the declassification of classified material:

Section 4. "When classified information or material no longer requires its present level of protection in the defense interest, it shall be downgraded or declassified in order to protect the effectiveness and integrity of the classification system and to eliminate classifications of information or material which no longer require classification protection. Heads of departments or agencies originating classified material or information shall designate persons to be responsible for continuing review of such

classified information or material on a document-by-document, category, project, program, or other systematic basis, for the purpose of declassifying or downgrading whenever national defense considerations permit and for receiving requests for such review from all sources."

STATINTL

3. Agency [REDACTED] reads as follows:

"Classified information or material shall be reviewed on a continuing basis for the purpose of determining the current appropriateness of the classification assigned with a view to declassification or reclassification where appropriate." Accordingly, a Classification Control Network was established under the Assistant Director for Central Reference. This network consists of a CIA Classification Control Officer, Assistant Classification Control Officers, and Authorized Classifiers. The CIA Classification Control Officer is responsible for the establishment and issuance, through appropriate mediums, of procedures governing the Agency Classification Control system. These procedures are controlling upon the classification and declassification activities of the network. The continuous review of documents for declassification purpose, as required by E.O. 10501, is not being carried out because of the tremendous manpower

allocation which would be required. Instead, the Agency has responded to outside requests for declassification of specific documents.

4. On 11 January 1972 the National Security Council (NSC) staff submitted its draft proposal of a revised executive order. This proposal suggests the following declassification policies and procedures:

Section 4. "When classified information or material no longer requires the level of protection afforded by the current classification it shall be downgraded or declassified. Classified information or material no longer needed in current working files shall be promptly destroyed, transferred, or retired in accordance with applicable statutes in order that classified inventories may be reduced to a minimum consistent with operational requirements and that costs associated with the handling of classified information or material may likewise be reduced. Heads of agencies originating classified information or material shall establish procedures to monitor compliance with all applicable rules governing downgrading, declassification,

destruction, transfer, or retirement of classified information or material. Heads of such agencies originating classified information or material shall establish procedures to insure the review of such information or material on a systematic basis, for the purpose of accomplishing such declassification, downgrading, destruction, transfer, or retirement at the earliest practicable date."

Section 4(i). "Retroactive Application: Effective on or after the first day of the first calendar month commencing after the date of this order -----
(2) classified information or material previously assigned to such Groups 1, 2, 3, or 4, when withdrawn from current files for storage or use shall be treated as follows: a. Classified information or material assigned to Groups 1, 2, or 3 unless specifically determined otherwise shall be excluded from downgrading and declassification provided by this order. The provisions of Section 4(b)(3) and (4) are applicable to this body of material."

Section 4(b)(3) requires mandatory review after 10 or 20 years for declassification. (The draft contained 10, 20 year alternatives.)

Section 4(b)(4) calls for automatic declassification after 30 years.

Material not in Groups 1, 2, or 3 would be reviewed for declassification when taken from files for storage or use.

In a reply to the NSC, dated 20 January 1972, signed by you, we suggested no automatic declassification, after 30 years, of our classified material, but rather a review of the material for the purposes of declassification.

5. On 7 February 1972, the Office of General Counsel, Department of Defense, submitted its draft proposal. This proposal is similar to the NSC staff proposal in its declassification sections. However, it did take into account our suggestion that there be no automatic declassification, after 30 years, of classified material both that newly created and that already in file. It proposed, instead, that "all information exempted from the declassification schedule shall be declassified after 30 years from the date of its original classification, unless the Agency head having authority over its classification personally determines that its continued classification is essential to the national security."

6. The NSC staff then submitted another draft of a proposed, revised executive order. This proposal is similar to that of the Department of Defense in its declassification sections. It has the following features:

- a. Automatic downgrading and declassification procedures.
- b. Special Categories, i. e., material exempted from automatic downgrading and declassification. (Information or material disclosing intelligence sources and methods.)
- c. Upon request from any agency or any member of the public, all Special Categories material which is 10 years old, must be reviewed for declassification provided the requester can describe the information sought with sufficient particularity to enable the agency responsible for the review to identify it without an unreasonable expenditure of time.
- d. Special Categories material will be automatically declassified after 30 years unless the head of the originating agency determines that its continued classification is essential to the

national security.

- e. Its retroactive provisions are similar to those set forth in the Department of Defense proposal, i. e., automatic declassification after 30 years, unless the Agency head determines otherwise.

7. Based upon the above, we would expect any new executive order to exempt from automatic declassification, material containing sensitive intelligence or pertaining to sources and methods. However, upon issuance of a new executive order, we will be faced with an enormous problem of reviewing for declassification a large volume of classified documents as they are withdrawn from current files for use or storage. (In FY 1971 there were 91,000 cubic feet of office files at Headquarters.)

- 8. (Contents to be determined by Committee action.)